

In Re: :
Local Rules of Admiralty :

ORDER

AND NOW, this 12th day of July, 1983, pursuant to the Resolution approved by the Judges of the United States District Court for the Eastern District of Pennsylvania, it is hereby

ORDERED that all prior local rules of admiralty and standing orders of court are hereby revoked effective August 1, 1983;

IT IS FURTHER ORDERED that the local rules of admiralty are amended to read as follows, effective August 1, 1983.

For the Court:

ALFRED L. LUONGO
Chief Judge

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Local Admiralty Rules
of the
United States District Court
for the
Eastern District of Pennsylvania

As Amended effective July 1, 1986

Local Rules of Admiralty

Rule 1 Applicability

These rules apply to the procedure in claims governed by the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (hereafter “Admiralty Supplemental Rules”), and to Rule 9(h) admiralty and maritime actions generally. The Local Rules of this Court shall also apply to admiralty cases. In the event of a conflict between the Local Rules and Admiralty Local Rules, the Admiralty Local Rules shall control in admiralty cases.

Rule 2 Deposit of Fees with Marshal

No process in rem in an action provided for in the Admiralty Supplemental Rules shall be served, except on behalf of the United States, or on special order of the Court, unless the party seeking the same shall deposit with the Marshal for this district such sums as may be required by the Marshal as an advance against attachment and custodial costs. This rule does not apply if seizure is effected pursuant to an order of Court appointing a custodian of the property seized, in which case no deposit shall be required. Further, the party seizing the property may be required by the Marshal, to give him a full release and agreement to indemnify the Marshal for any liability which he may incur as a result of arresting the vessel or other property.

Rule 3 revoked and number reserved.

Rule 4 Service of Process

(A) Process issued pursuant to Supplemental Rule B may be served by a person specially appointed to serve process in accordance with Federal Rule 4(c) and Local Rule 29.

(B) If the court has appointed a substitute custodian, the Warrant for Arrest, issued pursuant to Supplemental Rule C, may be served by a person specially appointed in accordance with Federal Rule 4(c) and Local Rule 29.

Rule 5 Post-seizure Hearing

Where property is arrested or attached, any person claiming an interest in the property arrested or attached may upon a showing of any improper practice or manifest want of equity on the part of the plaintiff, be entitled to an order requiring the plaintiff to show cause forthwith why the arrest or attachment should not be vacated or other relief granted consistent with these rules. A hearing shall be held on the order to show cause within forty-eight (48) hours of service of the order upon counsel for the plaintiff. The hearing shall be held before the judge to whom the matter is assigned, or, if unavailable, before the emergency judge. This rule shall have no application to suits for seamen's wages when process is issued upon a certificate of sufficient cause filed pursuant to section 4546 of the Revised Statutes (Title 46, U.S. Code, Section 603 and 604).

Rule 6 (Rule Revoked)

Rule 7 Intervention and expenses of Justice

(A) Whenever a vessel or other property is seized, attached or arrested and is in the custody of the Court, anyone asserting a maritime lien or a writ of foreign attachment against the vessel or property may upon motion to the court, with notice to counsel of record, be permitted to intervene.

(B) Intervenors under this rule shall be liable for advancing expenses of justice together with the party originally effecting seizure on any reasonable basis determined by the Court. Intervenors may be required by the Marshal to advance their share of expenses accrued to the date of intervention and expected future expenses of justice giving due regard to the respective amounts of the various claims. Relief from such assessment may be granted by the Court upon motion.

(C) Release of seizure or dismissal by the party originally effecting seizure shall not quash the seizure if there remains pending any claim by intervenors, unless by unanimous consent of intervenors or order of Court.

Rule 8 Notice of Sale

Notice must be given by the Marshal of the sale of property by order of this Court. Such notice shall be by advertisement in a newspaper of general circulation within the District in which the sale will take place, unless otherwise ordered by the Court. Such notice shall be published three times a week for two consecutive weeks with the last date of publication not more than twenty nor less than five days immediately preceding the sale. In addition thereto, publication shall be made elsewhere in at least one specialized trade publication of national circulation.

Rule 9 Judicial Sale, Return of Marshal

Upon the payment of the proceeds of sale of property into the registry of the court, the Marshal shall send written notice within five days to all persons known to him or by the substitute custodian to have claims for charges incurred while the vessel or property was in the custody of the court, and shall notify such persons of the necessity of filing claims within 10 days of the mailing of such notice.

Rule 10 Confirmation of Sale

In all sales by the Marshal pursuant to orders of sale under the Admiralty Supplemental Rules, the Marshal shall report to the Court the fact of sale, the price brought, and the name of the buyer. If, within 5 days after the sale, computed in accordance with F.R.C.P. 6(a), no written objection is filed, the sale shall automatically stand confirmed if the buyer has performed the terms of his purchase.

Rule 11 Joinder

(A) Except as otherwise provided by the Admiralty Supplemental Rules, parties may sue and parties (including a vessel or other res) may be sued either jointly, severally or alternatively in one suit, and persons having separate causes of action may join in one suit if the cause of action involve substantially the same questions and arise out of the same transactions.

(B) Persons who, under the preceding paragraph of this rule, might have joined as co-plaintiffs, and, in suits for wages, any other seamen claiming wages for the same voyage, not made parties in the original complaint, may, upon motion, be joined to prosecute as co-plaintiffs upon such terms as the court may deem reasonable.

Rule 12 Consolidation

When various suits are pending, all resting upon the same matter of right or defense, although there be no common interest between the parties, the Court may consolidate or compel said suits to be tried together, and enter a single decree of decrees in each case.

Rule 13 Trial of Limitation of Liability Cases

Where the vessel interests seeking limitation pursuant to 46 U.S.C. §181, et seq., have raised the statutory defense by way of answer or complaint, the plaintiff in the former or the damage claimant in the latter shall proceed with its proof first, as is normal at civil trials.

Rule 14 Discovery Costs

When discovery is requested which requires counsel for the parties to travel outside the district, the parties will each advance their own travel costs. The award of these costs following trial shall be in accordance with established law.

Rule 15 Trial Depositions

(A) Once a deposition of a witness is noticed, if a party wishes to take the deposition to preserve testimony for trial, that party may, at his option, proceed with his examination first; upon completion of the direct examination, the cross-examination of the witness by the other parties shall proceed as if on discovery or on such other terms as the parties may agree. Any party shall have the right to preserve such testimony by means of a videotape deposition.

(B) In order to enable the Court to control the trial calendar, and recognizing the difficulty in obtaining the attendance of witnesses in some admiralty cases, the Court may, in appropriate cases order that a video deposition be taken for use at trial.

LOCAL RULES OF ADMIRALTY

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